

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

360 N. RODEO DRIVE, LP, a California limited partnership,

Plaintiff,

- against -

WELLS FARGO BANK, NATIONAL ASSOCIATION, AS TRUSTEE FOR THE BENEFIT OF THE HOLDERS OF COMM 2017-COR2 MORTGAGE TRUST COMMERCIAL MORTGAGE PASS-THROUGH CERTIFICATES, SERIES 2017-COR2; MIDLAND LOAN SERVICES, A DIVISION OF PNC BANK, NATIONAL ASSOCIATION; and DOES 1 through 10,

Defendants.

# MEMO ENDORSED

Case No. 1:22-cv-00767-ER

## **PLAINTIFF'S RESERVATION OF RIGHT TO MOVE FOR JURY TRIAL**

Plaintiff 360 N. Rodeo Drive Limited Partnership (“Plaintiff”) respectfully submits this statement reserving its right to seek leave to try its claims in the above-captioned litigation to a jury.

By way of brief context, Plaintiff had anticipated receiving discovery from Defendants in time to file a motion on this issue by June 30, 2023, and as a result anticipated being in a position to file a motion on this issue by June 30, 2023. (Dkt. 38.) However, to date, Defendants have not produced a single document in this litigation. While the parties have been productively meeting and conferring to resolve outstanding discovery disputes, because Plaintiff has not actually obtained any documents or other information in discovery to date, Plaintiff intends to move to amend its Complaint and/or to argue that the relevant claims merit a jury trial at a later date.

As a result of the foregoing, Plaintiff does not intend to move to have the above-captioned matter tried to a jury by the initial date contemplated, and hereby reserves the right to seek leave to try its claims to a jury at a later date after discovery has been produced in this litigation.

Dated June 30, 2023

ROSS LLP

By: /s/ Richard A. Schwartz

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Attorneys for 360 N. RODEO DRIVE, LP

By no later than Friday, July 21, 2023, Plaintiff is directed to inform the Court the anticipated length of the instant request. Additionally, the parties are directed to meet and confer regarding the request. IT IS SO ORDERED.

  
Edgardo Ramos, U.S.D.J.  
Dated: July 14, 2023  
New York, New York